

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Samuel Gossett #342165,)	C/A No. 4:15-1509-GRA-TER
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
Officer Goff,)	
)	
Defendant.)	
_____)	

Plaintiff Samuel Gossett (“Plaintiff”), a state prisoner proceeding pro se, filed the instant action pursuant to 42 U.S.C. § 1983 on or about April 7, 2015. (See Dkt. No. 1.) By Order dated April 23, 2015, Plaintiff was given twenty-one (21) days, plus three (3) days for mail time, from the date of entry of the Order to bring this case into proper form, pursuant to General Order In Re: Procedures in Civil Actions Filed by Prisoner Pro Se Litigants, No. 3:07-mc-5014-JFA (D.S.C. Sept. 18, 2007), by (a) submitting a completed Financial Certificate, signed by Plaintiff and completed and signed by the appropriate officer having authority to review and calculate financial information in relation to Plaintiff’s inmate trust account. (See Dkt. No. 7.). This Order specifically informed Plaintiff that if he failed to comply, this case would be subject to dismissal.

The Order of April 23, 2014 (Dkt. No. 7) was mailed to Plaintiff at his address of record, i.e. Samuel Gossett, 342165, Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472. The Court has not received any response from Plaintiff and the time for his compliance has passed. The mail in which the Order was sent to Plaintiff was not returned, thus it is presumed that Plaintiff received the Order, but has neglected to comply with it within the time permitted under the Order.

Plaintiff’s lack of response to the Order indicates an intent to not prosecute this case, and

subjects this case to dismissal. See Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with an order of the court.); see also Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice appropriate where warning given); Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss sua sponte).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", is written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

June 29, 2015
Anderson, SC